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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,330	10/07/2003	Gregory C. Franke	200302308-2	5427

7590

10/21/2005

Intellectual Property Administration
Legal Department, M/S 35
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EXAMINER

LAVINDER, JACK W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,330	FRANKE ET AL	
	Examiner	Art Unit	
	Jack W. Lavinder	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 26-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 26-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLW

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-12, 38 and 39 have been rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chiou, 5828553.

Regarding claims 10-12, Chiou discloses a heat sink retaining clip (figure 1) designed to secure a heat sink to a heat sink retainer comprising

- A body portion (3)
- A first retaining arm (21) having a first window cutout (211)
- A second retaining arm (11) having a second window cutout (111)
- A disengagement arm (12)
- A cam arm (4) having a lock (411)
- Two runners (411)

Regarding claims 38 and 39, Chiou discloses

- A clip body (3)
- Two retaining arms (11, 21)

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- A first rotatable removal arm (4) capable of extending perpendicular to the body (3, figure 3) and being adjacent to the body (3, figure 4) having
 - Two extensions (411), which extend past the clip body (3, figure 4)

3. Claims 26-29, 33-36, and 41-44 have been rejected under 35 U.S.C. 102(e) as being anticipated by Lo, 6480384.

Regarding claims 26, 34 and 41, Lo discloses

- A substantially linear clip body (52)
- Two retaining arms (58, 60)
- Two removal arms (66 and 72), wherein one removal arm is disposed in a substantially central region of the substantially linear clip body

Regarding claims 27, Lo discloses offset retaining arms (66, figure 2).

Regarding claims 28, 35 and 42, Lo discloses offset removal arms (58, 60), which are capable of performing the intended function of distorting the main body.

Regarding claims 29, 36 and 43, Lo discloses a rotatable removal arm (72).

Regarding claims 33, 34 and 44, Lo discloses a single piece, substantially linear clip body with two retaining arms and one removal arm (figure 2).

4. Claims 26, 27, 29 and 30 have been rejected under 35 U.S.C. 102(e) as being anticipated by Lee, 6318452.

Regarding claim 26, Lee discloses a retainer clip having

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- A substantially linear clip body (16', figure 4)
- Two retaining arms (20', and arm opposite 20' along element 10' (right side of figure 4)
- Two removal arms (portion 32 is the first arm and the other portion of the I-shaped element 30 is the second arm)

Regarding claim 27, Lee discloses offset retaining arms (figures 3 and 4)

Regarding claim 29, Lee discloses a rotatable removal arm, i.e., the other portion of the I-shaped element 30.

Regarding claim 30, Lee discloses the rotatable removal arm being capable of rotating between a locked non-extending position (solid line position in figure 3) and an extending un-locked position (dotted line position in figure 3).

5. Claims 26-44 have been rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kozyra, D455951.

Response to Arguments

6. Applicant's arguments filed 8/4/05 have been fully considered but they are not persuasive.

The applicant argues on page 11 with respect to claim 10 that Chiou fails to disclose

"a disengaging member disposed such that a pinching force may be applied to a disengaging member and a rotatable arm, in an unlocked position, to achieve separation of the retaining arms so that the clip can be removed."

Chiou discloses a disengaging arm (12) that is capable of receiving a pinching force and a rotatable arm (4) that is capable of receiving a pinching force in the unlocked position such that the connector member disengages the main body from the retaining member. All that is required of the above phrase is that the structure of Chiou be capable of performing the intended function, which it clearly is.

The applicant argues on page 12 with respect to claim 26 that Chiou fails to disclose "a substantial linear" body.

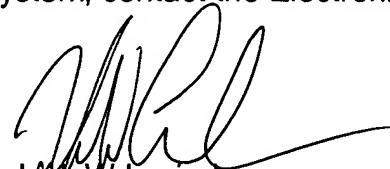
Chiou discloses a substantially linear main body (3). Figures 1, 2 and 4 show that the main body, which is indicated at the end of the leader line of reference numeral 3, is linear. Figure 4 shows a side view of the main body in engagement with element 5. Clearly, as shown, the main body is linear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677

10/12/05